

**No. 23646**  
**NELSON REGISTRY**

**IN THE PROVINCIAL COURT OF BRITISH COLUMBIA**  
**(BEFORE THE HONOURABLE JUDGE MROZINSKI)**

**OCTOBER 5, 2016**  
**NELSON, BC**

**IN THE MATTER OF**

**REGINA**

**v.**

**RICHARD LEE DESAUTEL**

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**PROCEEDINGS AT TRIAL**  
**(DAY 8)**

---

**APPEARING FOR THE CROWN:**

**G. THOMPSON**  
**A. PEACOCK**  
**M. WORTH**

**APPEARING FOR THE ACCUSED:**

**M. UNDERHILL**  
**E. PENN**

49  
Darlena Watt (for the accused)  
In chief by Mr. Underhill

1                   **(PROCEEDINGS ADJOURNED AT 11:56 A.M.)**  
2                   **(PROCEEDINGS RECONVENED AT 12:01 P.M.)**

3  
4 THE CLERK: Order in court. All rise. Provincial  
5 court is reconvened.

6 MR. UNDERHILL: Thank you, Your Honour. I'd like to  
7 call now Darlena Doll Watt to the stand, please.

8  
9                                   **DARLENA WATT, a witness**  
10                                   **called for the accused,**  
11                                   **affirmed.**

12  
13 THE CLERK: Please state your full name and spell your  
14 last name for the record.

15 THE WITNESS: Darlena Louise Watt. And my last name is  
16 Watt, W-a-t-t.

17  
18 **EXAMINATION IN CHIEF BY MR. UNDERHILL:**

19  
20 Q Let's get you some water first, Ms. Watt.

21 A Okay. Thank you.

22 Q So, Ms. Watt, I'm going to ask you first, if you  
23 could, to introduce yourself traditionally to the  
24 court. And before you do so, perhaps you can  
25 explain what I mean by a traditional greeting to  
26 Her Honour or a traditional introduction.

27 A [Nsyilxcen spoken]. I'm the firstborn daughter of  
28 Tom and Nelly Watt. And my real name is Darlena  
29 Louise Watt, but my Indian name is a xastiqw,  
30 which means calm water. And it was given to me by  
31 a real special elder, Martin Louie, who is  
32 full-blood Sinixt, and he in a ceremony gave me my  
33 name. And the reason it's so important to me is  
34 it tells you exactly -- it can pinpoint where my  
35 family was. And they are all along the Stranger  
36 Creek, in Inchelium, and as the waters come down  
37 and it's babbling like this, that's simuktu  
38 [phonetic]. That is my daughter's Indian name.  
39 Then when it calms down, that's my name, calm  
40 water.

41                   And a long, long time ago, our people were  
42 always rendezvousing in Kettle Falls and trading  
43 items at a big -- the big salmon ceremonies. And  
44 I was always told by my mother, Nelly Watt, that  
45 there were three men from the Fort Colville that  
46 married three Sinixt -- full-blood Sinixt women.  
47 And one of them was my great-great-grandma,

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1 Theresa Louie. Right from here. The traditional  
2 name -- you can always tell your ancestors because  
3 when you are introducing yourself, you are not  
4 just introducing yourself. You were introducing  
5 your whole family. And then all the people that  
6 are listening, especially the elders, they will  
7 know these people.

8 And so wayinca skwist xastiqw, I'm the  
9 firstborn daughter of Tom and Nelly Watt. My  
10 grandparents on my dad's side were Harry Watt,  
11 Pauline Sluiter, Joseph and Matilda Musey. On my  
12 mom's side my grandparents were Pete and Isabelle  
13 Noise. Pete was Sinixt. And grandma was Puyallup  
14 Indian Tribe. Then their parents were Bill and  
15 Ella Steve and Al and Theresa -- Theresa Louie and  
16 Albert Noise. And that's my family. I have --  
17 then you do the rest of the introduction. It's  
18 only proper to know, so they will know who I am.

19 I'm the firstborn daughter. I have a brother  
20 Tinker, brother Terry, Joyce, Loretta, Richard,  
21 Barb, Laurie, Theresa and Gary. And my mother was  
22 too. So she was the mother of 12; six girls, six  
23 boys. I'm the oldest of the daughters. I have  
24 three children. Vaughan Eagle Bear, Red Autumn  
25 Eagle Bear and Sadi Wilson. And they have  
26 children. I have nine grandchildren. That's  
27 Sage, Denalla and baby Vaughan. And then Keely,  
28 [phonetic] wach-ek-ya-wee-ha [phonetic], which  
29 means prayer woman. And then I have Clarence,  
30 Angelo, Lukie and baby Isabelle. And that is who  
31 I am.

32 Q Thank you.

33 A In a traditional introduction.

34 Q Can you tell the court where you are currently  
35 residing?

36 A I reside in Mallot, Washington, which is oh, maybe  
37 15 miles from Omak, Washington.

38 Q And how long have you lived there?

39 A I've lived in Mallot for about a year, but I've  
40 lived in Omak since -- oh, my, since I was 13.

41 Q And where were you born?

42 A I was born in the back seat of a car. And I  
43 really say I was born on the res, you know. But  
44 my mom had five of us at home, and she did not  
45 want to go to hospitals, and so my dad was kind of  
46 insistent, but I guess I was really stubborn and  
47 wanted to be born, so I was born in the back seat

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- 1 of a car. And then listed -- it was listed that  
2 Inchelium is my hometown. Inchelium, Washington.  
3 Q Could you tell the court about what post-secondary  
4 education you have?  
5 A Oh, yeah, that -- yeah. M'mm-hmm. I have a BA, a  
6 bachelor of arts degree, in education with a  
7 history major and social studies major and Indian  
8 studies major. And then I went on to get my  
9 masters degree in education, administration and  
10 curriculum development. And I have been in the  
11 education field for about 40 years now.  
12 Q And that was going to be my next question. So  
13 maybe you could just summarize for the court sort  
14 of your past history in the education field. Your  
15 work history, that is.  
16 A Yeah. I've taught in public schools, and I've  
17 also taught in and around our reservation. Like,  
18 Inchelium, I taught there for about four years.  
19 And then I went to Omak. I was there about 11  
20 years. I then went to South Dakota and taught  
21 there a year. I then got this bright idea to be a  
22 professor, and I developed classes for five  
23 universities and colleges in Washington State.  
24 And let's see. I'm still subbing. I'm still  
25 teaching. Six grade at our tribal school, Paschal  
26 Sherman Indian School. And I love it. I just  
27 really enjoy the education field.  
28 Q You are a member of the Lakes Tribe of the  
29 Colville Confederated Tribes; correct?  
30 A M'mm-hmm. I am a Sinixt Indian of the Lakes --  
31 Arrow Lakes.  
32 Q Can you describe the role you play in Lakes or  
33 Sinixt society today for the court.  
34 A Today?  
35 Q Today.  
36 A Some people look at me -- you know, we always have  
37 to humble ourselves because some people look at me  
38 as a spiritual leader, and I live the four seasons  
39 of our culture. And there's something special to  
40 do in special ceremonies each season of the year,  
41 and I have mentored many, many -- I took a  
42 sweat -- a sweat house is one our early teachings,  
43 and I sweat with 121 different women in a year.  
44 So I help them that way, to get grounded, to learn  
45 to pray, to learn to be thankful, to humble  
46 themselves. Just all those good kind of  
47 teachings. And we also gather our roots and our

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1 berries, our traditional foods and our medicines,  
2 and I mentored under some real strong Indian  
3 Sinixt women that taught me a lot about the  
4 medicines and the herbs and the teas, and my  
5 responsibility now is to continue teaching that to  
6 the younger girls -- and the younger girls for the  
7 rest of my life.

8 Q Maybe you can tell a little -- the court about the  
9 role your brother Tinker plays today again in  
10 Lakes or Sinixt society.

11 A My brother is my oldest brother, and he is a  
12 Vietnam veteran, and when he came back, he did --  
13 he told us some real amazing true-life stories,  
14 you know, of how his Indian spirit helped him. He  
15 knew he was shot, and his -- the other soldiers  
16 knew he was shot, but he wasn't shot. His spirit  
17 helped him. And I guess -- and when you believe  
18 in your spirit so much, it will help you and it  
19 will protect you, and my spirit has done the same  
20 for me, you know, from life.

21 MR. THOMPSON: Your Honour, I have a question about  
22 hearsay and speaking about her brother and his  
23 experiences.

24 THE COURT: Well, I think it's just context.

25 MR. UNDERHILL: Yeah. What the witness is leading up  
26 to is just again -- the next question I was going  
27 to ask after she describes her brother's role,  
28 just so we are clear --

29 THE COURT: We'll just let the witness carry on.

30 MR. UNDERHILL: All right. Thank you.

31 MR. THOMPSON: Very good.

32 THE COURT: Sorry, please go ahead.

33 THE WITNESS: Thank you. When he got back, he went on  
34 his vision quest, and he sat out on the top of  
35 Grizzly Mountain four days, four nights and he got  
36 his song. And then he started being -- when you  
37 get your song, then you have -- you sing out all  
38 these different Chinook dances. And I would  
39 travel with him. And we'd go, you know, Vernon,  
40 BC, and all the way down like this, and all the  
41 way down to Oregon, and we had -- at that time we  
42 had 26 singers, so we would always try to make  
43 those 26, and we had about four over in Inchelium,  
44 and we'd go over there too. And he came up here  
45 even to the Arrow Lakes, and he did a ceremony and  
46 a blessing and everything. Yeah. But he told the  
47 group that he was with, it's kind of strange that

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1           you would invite me to bless because the circle of  
2           life is stones setting out a certain way, and it  
3           tells us how to live our lives and that was  
4           already there. And he said, so our ancestors  
5           already put this here, but, you know, I'll  
6           continue to bless it, but it's been here long,  
7           long before any of us.

8           So anyway, he is viewed as a spiritual leader  
9           and as a medicine man because he helps -- he truly  
10          helps a lot of people with their ill health, I  
11          guess. And the last one that I witnessed was this  
12          woman had such a bad rash, but it was worse than a  
13          rash, and he got some Indian medicines together  
14          and had her bathe in that, and it went away in a  
15          day. So he is viewed with a lot of honour and  
16          respect as a spiritual leader and a medicine man.  
17          He has his own sweat house right there. And he  
18          has every Sunday, Tuesday and Thursday at  
19          6 o'clock -- he always brags to me, but he has  
20          30 men, faithful, there, every Sunday, Tuesday and  
21          Thursday. And then our women's group, we meet --  
22          but we only have about 12 of us, but that's good.  
23          We meet every Wednesday at 6:00.

24       MR. UNDERHILL:

25       Q     Now, can you tell the court very briefly why  
26       Tinker couldn't be up here to give evidence today?

27       A     Oh, yeah. Tinker is a real bad diabetic, and he  
28       lost his kidneys three years ago, so he lives on  
29       kidney dialysis. He's also -- went blind. He  
30       can't -- it doesn't stop him from doing, you know,  
31       the sweat houses and singing and everything else,  
32       but it just kind of slowed him down, he says.

33       Q     I'd like you to now tell the court what you have  
34       seen or experienced personally with Tinker's  
35       role -- his spiritual role in regards to hunting  
36       for Lakes people?

37       A     Oh, gee, yeah. Well, our Sinixt people -- you  
38       know, my dad had my three brothers. Tinker is the  
39       firstborn then Terry then James is a year younger  
40       than me. And when they were 8, 9, 10, no older  
41       than 10, they would have to go and kill a grouse  
42       with a rock. So they would always be down by the  
43       river trying to kill that grouse. And it was kind  
44       of like a rite of passage. They then -- then they  
45       could go hunting. And my brother, the younger  
46       one, is the one that got the grouse first, and  
47       Tinker was like aw, but then later on he finally

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1 got it. And it still goes on today. The -- you  
2 know, all the young guys, we would think they  
3 would be maybe in their 20s, but they are not.  
4 They are, like, eight, nine and ten getting their  
5 first deer. And when they get their first deer,  
6 they -- of course they have to gut it and know  
7 what to do with all the -- that innards, and then  
8 they quarter up all the meat. If it's their first  
9 one, well, they take a bite of the heart because  
10 then you become of the deer family, like myself  
11 and my brothers are. My extended family and  
12 relatives in Inchelium are deer -- belong to the  
13 deer family.

14 Then they take their hide and they give it  
15 away to a grandma, and she'll make -- maybe make  
16 dresses or moccasins or get a couple of hides and  
17 make her a dress or whatever, but every bit of  
18 that deer is used. And then my brother Tinker  
19 uses the hoofs and the dewclaws and every year he  
20 adds a deer to his medicine cane, and so he uses  
21 that at the pole at our Chinook dances, and that's  
22 all representative of the deer family so that  
23 we'll all become -- all the boys in our extended  
24 family -- well, I wanted to share, in my extended  
25 family, I finally counted, and there's 141 of us.  
26 So just from our nine adult kids and their kids  
27 and their kids, you know. So in this family here,  
28 it's the responsibility -- it was the  
29 responsibility of Tinker and my brothers to go out  
30 and get a deer, make sure all of his sisters had  
31 deer in the freezer. Make sure all his next --  
32 the next ones are all the first cousins, that  
33 their freezers would be full. Then they check in  
34 the community, and if there's any widows or old  
35 grandmas that didn't have anyone to hunt for them,  
36 they would go out, get deer meat, and give it to  
37 the elders that way.

38 So he too, though, went up past Vernon there  
39 and he fished, he'd dip net, and he got, like,  
40 120 salmon. He came home and -- to Omak and gave  
41 it out to all his family and to the elders in our  
42 community. So he played a real important role.  
43 And if we didn't have deer meat in our freezer or  
44 salmon then the elders would shame someone. You  
45 know, you are not being responsible. And one time  
46 in Inchelium my old uncle, Jim Thomas, he was  
47 telling me that our family a long time ago was

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1 nearly dying of starvation in the winter because  
2 they ran out of food. The -- and so the guys had  
3 to go out and get skunk cabbage. If you ever  
4 taste that, it's not too good. Not too good. But  
5 we survived. And then they got the moss off the  
6 trees and, you know, made licorice out of the  
7 moss. And so we survived as a family. But what  
8 it taught us is to always make sure those boys go  
9 out and get us a deer and some salmon. And that  
10 was his role. And he is now in the role of being  
11 the old grandpa and the medicine man/spiritual  
12 leader of our community.

13 Q Do Lakes people still hunt with bows and arrows?

14 A Oh, yeah. You know, I was teasing last week  
15 because one of our tribal fish and wildlife  
16 persons was trying to say to my nephew Sanina  
17 Brooks [phonetic] that there's no way you could  
18 shoot that big elk with a bow and arrow, and  
19 Sanina just said yes, I did. Why? And this guy  
20 said, it just -- I just don't believe you. He  
21 said oh, my goodness. He said you know, we've  
22 been shooting with bow and arrows forever. And he  
23 teaches his boys who are -- what? 12 and 13  
24 maybe. They have to shoot with a bow and arrow,  
25 kill the deer or an elk way before they can use a  
26 gun. And so he went out, like, two weeks ago and  
27 got this real big elk. And now his boys are out  
28 deer hunting. And they use bow and arrows.

29 Q Is there a proficiency test they need to do before  
30 they --

31 A Oh, yeah. Yeah. There was -- there's this big  
32 hole in the rock formation in Kettle Falls right  
33 across from the drive-in theatre, and that's where  
34 a lot of our people -- oh, and I forgot to tell  
35 you that Cecilia Smith told me that our Sinixt  
36 people did not leave Canada. And she took me  
37 to -- showed me this big hole in that rock  
38 formation, and she said, now I want you to look  
39 right here, so I looked to the left of it, and she  
40 said, you see that woman, that mountain shaped  
41 into a woman with a baby on her back? She stands  
42 there to tell all of us this is our Sinixt  
43 territory. That's her job for eternity, is to  
44 remind everyone. This is our territory, our  
45 Sinixt territory, from here all the way up to  
46 Arrow Lakes.

47 And the hole in the wall was for the hunter,



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1 the young boys, to get their bow and arrows, and  
2 they had to be able to shoot an arrow into that  
3 hole. And then they could call themselves Arrow  
4 Lake. And they, then, could go hunting with bow  
5 and arrow.

6 Q And just so we are clear, there's a hole today --

7 A Yes.

8 Q -- in Kettle Falls still used for that?

9 A Yeah. I've tried it, but I can't shoot very far  
10 with a bow and arrow, you know.

11 Q Could you tell the court a little bit more --  
12 you've mentioned a couple of items on this topic,  
13 but could you tell the court about how the various  
14 parts of the deer are used by Sinixt or Lakes  
15 people?

16 A M'mm-hmm. I love sharing this because I guess  
17 it's the teacher in me, I guess. But, you know,  
18 the deer -- the hide is either made into buckskin  
19 for our cedar bags or for our moccasins or for our  
20 dresses or for the Indian man's vest, and the hide  
21 is used -- everything, all the way down to a  
22 strip, and they'll strip it into thread. The deer  
23 of course is all -- the first deer is all given  
24 away. But in that deer itself and when you look  
25 at the -- I call it the knuckles of the deer.  
26 They kind of look like this. Well, if you look at  
27 them, that's what our kids play with as a little  
28 tonka truck. And they all have these little deer  
29 bones all over. And I'm always trying to convince  
30 them to paint them different colours, but those  
31 little knuckles are toys.

32 And then we use the dewclaws and the hoofs in  
33 our rattles. We then use the brains, you know, to  
34 tan our buckskin, to tan the hide, so even the  
35 brain is used. And we use the -- the front legs  
36 have three bones like this in them, and when they  
37 are -- they skin it, these three bones come up  
38 pretty easily, and those are the needles. Have a  
39 hole through here. Three needles. So when the  
40 guys hunt, they are supposed to give a needle away  
41 to -- all the grandmas should have a needle from  
42 the deer. Because we bond to the deer family. My  
43 nephew gave me one and gave my friends one, and,  
44 yeah. You know, because it's a way of honouring  
45 you too, but everything is used.

46 Q And that carries through to today; is that  
47 correct?

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- 1 A Oh, yes. Oh, yes.
- 2 Q Could you talk a bit about the role that deer meat  
3 plays at funerals and other ceremonies?
- 4 A Yes. You know, in our funerals, the -- you know,  
5 I've watched over 66 years. You know, I've  
6 watched the young men go out and get deer and  
7 bring them back. They'll bring at least three to  
8 a funeral, have all that meat, and they'll prepare  
9 it and serve it to the people after the funeral  
10 services. And the big one that is really  
11 noticeable in all four districts is that when we  
12 take the meat off all the bones, we put the bones  
13 all in a big pot, and then it gets all the meat  
14 off. Then you take that meat and you grind it,  
15 and it's deer meat sandwiches. Every funeral  
16 you'll see, every funeral will have deer meat  
17 sandwiches because it's just our way of life.
- 18 Q I'd like to talk a little bit about songs now.
- 19 A M'mm-hmm.
- 20 Q And I see we are at 12:25. So I want to make --  
21 just sort of find a logical break here. Maybe you  
22 can start with telling the court about the songs  
23 that you know, and we'll talk where they came  
24 from.
- 25 A Okay. First of all, if you are blessed with a  
26 song, they -- your song can come to you anywhere,  
27 any time, any age. My little wach-ek-ya-wee-ha  
28 was eight years old when she was doing dishes and  
29 her song came to her. And she called all the  
30 elders. And they all said yeah, it's your song.  
31 When my first song came to me, I was driving a  
32 car, and that song came to me, and I went to five  
33 grandmas, and they all met me, and each -- I had  
34 to sing to each five of them, and then they told  
35 me two weeks later come back and sing, and I  
36 better know the song; right. Well, it was given  
37 to me through a spirit, I do know it. And so they  
38 said yes, this is your song. It doesn't belong to  
39 anyone else because they would be going to  
40 different ceremonies listening for songs, you  
41 know. So this was my song.
- 42 And it's -- came to me right from an elk.  
43 And it's a real loud song, so I won't sing that  
44 one right now. And then I got another song in the  
45 winter, and I got the prayer -- it's a lead-up  
46 song from an animal. And then the dance part of  
47 it came to me in a dream. And so it goes [witness

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1 sings]. And I sing four verses of that. And what  
2 it means is my mother has spoken. And so as a  
3 four seasons Sinixt woman, I'm supposed to learn  
4 from my mother and all the grandmas. I'm supposed  
5 to respect them and learn from them.

6 And then my -- I call him grandpa, Martin  
7 Louie, who was a Sinixt. He gave me my Indian  
8 name, but he also -- oh, he taught me so much.  
9 And I miss him even today. But he and his son's  
10 Pierre Louie and Tommy Louie, we went to their  
11 dances many times. They went to ours. We went to  
12 all the different dances throughout the country  
13 and he would -- [witness sings]. And oh, I just  
14 loved to see him and his sons come to our house  
15 because they would wait outside of the door, and  
16 when Tinker was done singing, they would open the  
17 door, come in singing that song. It was just  
18 powerful, you know. And it was a beautiful song.  
19 And it was for hunting. It's for, you know, the  
20 goodness in life. And then Tinker, he has -- oh  
21 man, I don't even know how many songs, but he has  
22 a lot of songs compared to me. But his -- one of  
23 his songs [witness sings]. That song is 400 years  
24 old. And it was given to us by his old -- our old  
25 grandpa grandpa -- how do you do that? Your old,  
26 old, old, old, grandpa -- old grandpa. Four  
27 generations old. And Martin -- all these  
28 different elders back then they are all gone now,  
29 but all these elders from Oregon all the way up to  
30 Canada, way up, they said that was -- skumhees  
31 [phonetic] was his name. That was his song, our  
32 grandpa. And so Tinker keeps that alive. And  
33 then his children will keep it alive. And the  
34 grandchildren and so on and so forth.

35 MR. UNDERHILL: This is a convenient time for the  
36 break, Your Honour. We can pick up after lunch.

37 THE COURT: If this is a good time for the witness.

38 MR. UNDERHILL: Yeah. Yeah.

39 THE COURT: Okay. So we are going to just take the  
40 lunch break now, and we'll reconvene at 2 o'clock.  
41 Thank you.

42 MR. UNDERHILL: Thank you.

43 THE WITNESS: Thank you.

44 THE CLERK: Order in court.

45  
46 **(WITNESS STOOD DOWN)**  
47

59  
Darlena Watt (for the accused)  
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1                   **(PROCEEDINGS ADJOURNED AT 12:29 P.M. FOR NOON RECESS)**  
2                   **(PROCEEDINGS RECONVENED AT 2:00 P.M.)**

3  
4 THE SHERIFF: Order in court. All rise.  
5 THE CLERK: The provincial court is reconvened.  
6 MR. UNDERHILL: Thank you, Your Honour.  
7

8                   **DARLENA WATT, a witness**  
9                   **for the accused,**  
10                   **recalled, reminded.**

11  
12 **EXAMINATION IN CHIEF BY MR. UNDERHILL (continuing):**

13  
14 Q Ms. Watt, before lunch we were talking about  
15 songs. And you had been good enough to sing some  
16 of them for us. I wonder if you could tell the  
17 court a little bit about how songs are passed  
18 along and how is it that you are able to sing  
19 today for us, for example, Tinker's song or Martin  
20 Louie's song.

21 A When we receive a song, it's from -- usually  
22 from -- there's like, four dimensions. There's  
23 the sky people, and those are the birds. And  
24 there's the earth people. Those are humans. And  
25 the animal people, like the deer. And then we  
26 have the spiritual world. And the deer -- we  
27 belong to the deer family. That's why the deer is  
28 so important to us. And the songs that go with  
29 them, we usually will go on a vision quest, or  
30 we'll be mediating, sometimes just washing dishes,  
31 and you get a song. Like, my daughter -- my  
32 granddaughter was eight years old when she got her  
33 song. Then she -- then we put it away. She sang  
34 it, and we put it away -- well, we put it out in  
35 the mountains because she was too young to sing.  
36 And so we wanted her to sing, but not when she's  
37 so young. And when we get a song, there's certain  
38 things we have to do. And just like with a deer,  
39 you know, there's different things that you have  
40 to do to honour that deer.

41                   Likewise with the song, you might have to --  
42 when I first started, I know I was required to  
43 give, like, 24 Pendleton blankets away and maybe  
44 36 other kind of blankets. And I had this big  
45 giveaway. And it's to honour our songs so that  
46 we'll get more deer meat; so that we'll get more  
47 salmon; we'll get more berries; we'll get more

Darlina Watt (for the accused)

In chief by Mr. Underhill

1 roots. And so it's the season where we are  
2 praying for all those good things to come to us in  
3 the spring, in the summer and fall. The name --  
4 the songs either you can -- through a ceremony you  
5 can pass that song down to a relative or you can  
6 give them permission at a dance. And, like,  
7 Martin Louie, I sang quite a bit at his dance, and  
8 he sang quite a bit at our dance, and he always  
9 told my brother and myself that we can sing his  
10 song. And likewise he could sing our song. But  
11 we just don't get out there and let anyone sing  
12 our song. They -- we have to give permission, and  
13 they have to do something honourable. They can't  
14 be drinking and drugs and all that stuff. They  
15 have to be a good-hearted person.

16 Q If you could help the court, you've referred to  
17 the winter or Chinook dances a couple of times in  
18 your evidence. Can you take the court through the  
19 role of songs in the winter dances.

20 A The role?

21 Q Or what role songs play. Basically describe a  
22 winter dance, I guess, is maybe another way to ask  
23 the question.

24 A Okay. Well, because of so many different  
25 governmental issues and trying to really civilize  
26 and Christianize the Indian people, a lot of our  
27 people went through -- you know, the Sinixt people  
28 went through -- kind of underground, and they  
29 wouldn't talk about it. And even today you'll  
30 find people that just won't tell you, you know,  
31 well, on March 10th I'm going to have a dance;  
32 come and join us. Instead they'll tell you, oh,  
33 gee, I really would like to see you, you know,  
34 March 7th and 8th. Why don't you come down and  
35 stay. And if you bring some food, that's good.  
36 If you don't, that's all right. If you bring a  
37 bundle, which means a bundle of blankets and  
38 scarves to give away, that's all right. But if  
39 you don't, that's okay. So you know that just me  
40 saying that, that we are going to have a dance.  
41 Then you'll tell others that. Well, you know, I'm  
42 going to go down to Tinker and Doll's this  
43 weekend; you want to go? So it's word of mouth.  
44 It's kind of secretive. A couple of times, even  
45 in this generation right now, you know, last  
46 10 years, we've had the police open the door on  
47 our sweat house, open the door and say, get out;

Darlena Watt (for the accused)

In chief by Mr. Underhill

1 I'm looking for someone. And here is all these  
2 guys taking a sweat. And it really offended my  
3 brother. Then another time they came in, opened  
4 the door at our longhouse, at our -- we call it  
5 the House of Cry, and looking for someone. You  
6 just don't do that. You just -- that's just a big  
7 no-no, you know. Even for police officers.

8 So when you enter our House of Cry -- and it  
9 sounds like a weird name, but the name is when you  
10 are healing so -- and you just feel like you are  
11 getting healed from all this whatever, you just  
12 cry, and it -- because it's so powerful, and so  
13 that's what the House of Cry is. It's for a  
14 healing. It's a place of healing.

15 And when you enter, you always have to enter  
16 to the right, and you go around -- you have to  
17 shake everyone's hand. I don't care if there's  
18 300 people in there. You have to shake their  
19 hand. You have to go in that direction. Then you  
20 can sit down here.

21 The singers all have -- Tinker always starts  
22 it because Tinker is the -- like the boss, the  
23 head singer of this House of Cry, and he always  
24 starts, and then there's a certain line -- a  
25 certain order that the singers go in. I always  
26 follow Tinker. My sister Loretta follows me. And  
27 it just goes on to -- we probably have anywhere  
28 15 to 30 singers. And we sing at night. We go in  
29 at 7:00. We come out about 3:00 or 4:00 in the  
30 morning when it's still dark. And we only -- and  
31 have dinner. What we call lunch is at midnight,  
32 and we feed all the Indian foods. And we continue  
33 with our prayers and our words of -- I guess they  
34 are words of history. We always try to always  
35 have the children understand who they are, where  
36 they came from, and that their Sinixt Indian, and  
37 these are the things that our people have done for  
38 years and years and years. And so we teach our  
39 family, this big family, all of the roles and  
40 responsibilities that we have as Indian people.

41 Q Thank you. Is there a role for deer meat in the  
42 winter dance as well?

43 A Oh, yeah. Salmon always goes first, and that's  
44 the salmon chief. Salmon -- my grandfather, Pete  
45 Noise when was alive he told us this story. He  
46 lived to be, like, 102. But anyway, grandpa told  
47 us the story about the Big Dipper. And when the

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In chief by Mr. Underhill

1 Big Dipper -- the cup is flowing like this, you  
2 visualize Fort Kettle Falls, and the water would  
3 be coming out of the Big Dipper, that's when you  
4 go fishing for the salmon -- spring salmon. And  
5 then it also tells you that's when you can hunt  
6 for doe. Not doe -- I'm sorry. Bucks. Then the  
7 Big Dipper will come this side, and that's when  
8 you fish for the fall salmon, and you can hunt  
9 both bucks and does. So we always -- you know, we  
10 kind of follow the stars, I guess. But the  
11 deer -- salmon -- in our Chinook dance, salmon is  
12 the chief. He always goes first. Deer meat is  
13 second in command. And then we go into if we have  
14 elk meat. And usually we -- as our family, we  
15 like elk meat dried. And then we have those deer  
16 meat sandwiches.

17 And then it gets into the berries and the --  
18 roots -- I'm sorry. And then into berries, all  
19 the different berries. And then we get into the  
20 white man food. And we joke around, you know, the  
21 fried bread and bananas and other things like  
22 that. But then we serve -- the people that are  
23 carrying the sacred foods in, they serve everyone  
24 in the dance. Then they sit down around the pole.  
25 And the pole is our creator. And it's not that  
26 often that you get to go to the pole. Only the  
27 singers can touch that pole. Not everyone can  
28 touch it. So it's just -- I kind of tell the kids  
29 it's kind of like, you know, Catholics going to  
30 communion, and they take the body of Christ. Only  
31 you are supposed to touch that; right? And so  
32 it's kind of like that with our winter ceremony.  
33 Not everyone can touch that pole. Just the  
34 singers.

35 Q I wonder if you can tell the court in your own  
36 words the importance of this area, the Arrow Lakes  
37 area, to you personally.

38 A It's our headwaters. It's our life. You know, we  
39 are even with the earth, you know. The creator  
40 gave us our place in this world. And this is our  
41 place. And all the time I remember, I never did  
42 have to get permission to come up and go down, you  
43 know. It was just our -- it's our area. And they  
44 call it the territory of the Arrow Lakes, and so  
45 that's -- I've always known that. The land is --  
46 without the land the animal wouldn't be here. The  
47 grass wouldn't be here to feed them. Without the

Darlena Watt (for the accused)

Cross-exam by Mr. Thompson

1 land, you know, we wouldn't have trees to make our  
2 homes. We wouldn't have anything. So it's our  
3 way of life. The land is our way of life.

4 MR. UNDERHILL: Thank you, Ms. Watt. Those are my  
5 questions. Now, if you could just hang on,  
6 Mr. Thompson may have a few questions for you.

7 THE WITNESS: Okay. Thank you.

8 MR. UNDERHILL: Thank you.

9

10 **CROSS-EXAMINATION BY MR. THOMPSON:**

11

12 Q So, Ms. Watt, you are a citizen of the United  
13 States; correct?

14 A Correct.

15 Q And you are a resident in the United States; is  
16 that correct?

17 A Correct.

18 Q And you've lived your entire life in the United  
19 States?

20 A Yeah. Except for when I lived in Mexico for a  
21 while.

22 Q So -- but otherwise you have resided in the US  
23 your entire life?

24 A Yes, I have.

25 Q Okay. And you are a member of the Lakes Tribe of  
26 the Colville Tribes; correct?

27 A Yes.

28 Q And --

29 A I'm glad that you said tribe instead of band.  
30 Because we all recognize ourselves as a tribe  
31 within the Confederacy of the Colvilles. Thank  
32 you.

33 Q And -- well, put it this way: the thing is that  
34 it's referred to in your materials as a tribe;  
35 correct? Confederated Tribes of the Colville  
36 Reservation?

37 A Yes.

38 Q Now, you were describing to Mr. Underhill that --  
39 the issue of the four seasons of culture; is that  
40 right? Do I have that correct?

41 A Yes.

42 Q And that's something that you experienced;  
43 correct? Four seasons of culture?

44 A Yes.

45 Q And it's -- in your lifetime, you were -- that was  
46 something that you were dealing with, or at least  
47 that was a belief that you held; is that right?



Darlena Watt (for the accused)

Cross-exam by Mr. Thompson

- 1 A It's our way of life.  
2 Q Yeah. As you've said. And the four seasons of  
3 culture is something that -- did someone tell you  
4 about that?  
5 A Yeah. The main mentor that I had was Jeannette  
6 Aleck Tymatoi [phonetic]. She was full-blood  
7 Sinixt. And she explained that we are seven -- we  
8 are the four season women. And we have  
9 responsibilities in each season. And that's how  
10 we live our life.  
11 Q And Jeannette Aleck was a member of the Colville;  
12 is that correct?  
13 A Yes, but she was full-blood Sinixt. Lakes.  
14 Q And so you referred to full-blooded Sinixt. How  
15 did you know she was full-blooded Sinixt?  
16 A She told me.  
17 Q She told you that?  
18 A Yes.  
19 Q And in describing your husband -- and I am sorry  
20 to hear that he is in such poor health.  
21 A Oh. I have no husband. He is my brother.  
22 Q Oh, your brother. I beg your pardon.  
23 A Yes.  
24 Q And I did know that. I think it must be late in  
25 the afternoon.  
26 A Yes.  
27 Q But, in any event, I am sorry to hear he is in  
28 poor health. I beg your pardon. When you were  
29 talking about his spiritual awakening, that -- or  
30 spiritual healing, that was something that  
31 occurred after he returned from his service in  
32 Vietnam; is that right?  
33 A Well, he practiced many of our traditions and  
34 customs. It just became more powerful and  
35 profound when he got back.  
36 Q And you had said that he had a difficult time in  
37 Vietnam; is that right?  
38 A He had several experiences in Vietnam. If he were  
39 here, he would say no, I didn't have difficulty.  
40 I am a warrior.  
41 Q Right. And it's my understanding that he had to  
42 spend some time in recovery in a hospital after he  
43 returned; is that right?  
44 A Yes.  
45 Q And that was approximately a year that he had to  
46 do that?  
47 A I'm not sure. I can't remember.

Darlena Watt (for the accused)

Cross-exam by Mr. Thompson

- 1 Q But, in any event, it was during that time that he  
2 became more deeply involved in the spiritual  
3 aspects of these issues; is that right?
- 4 A When he got back from Vietnam he had to deal with  
5 some issues, but then he -- and he was  
6 hospitalized, but I don't know for how long. And  
7 when he came, then his spirituality hit him more  
8 so. So then he really took up his mentors. And  
9 he was with, you know, Martin Louie all the time.  
10 His brother is Pierre Louie, Tommy Louie, Michael  
11 Paul, Aleck Paul, all these Sinixt men. And they  
12 trained him. And yes, so he became a real  
13 spiritual leader now.
- 14 Q And you mentioned Martin Louie several times as  
15 being a mentor. Were you aware that Martin Louie  
16 self-identified as Sxwuyelhpi?
- 17 A As what?
- 18 Q Sxwuyelhpi or Colville?
- 19 A And are you aware that Martin Louie is the very  
20 clown. Every tribe has kind of a clown society.  
21 And our little clowning in a way is when  
22 Sxwuyelhpi come to us and want to know this and  
23 that. We might tell a big fib and just watch  
24 them, how they react, and we'll laugh later.
- 25 Q Are you suggesting that he was not telling the  
26 truth?
- 27 A It's kind of like what I just did to you. Yeah.  
28 And so you are left trying to figure it out;  
29 right. And then when he laughs, and then he will  
30 say -- because he has done this to me several  
31 times too to see if I'm going to believe him or if  
32 I'm going to be just, you know -- but what he  
33 would do is he was in that clowning stage with --  
34 many times, and I asked him right out one time, I  
35 said, how do you view yourself? As a Colville or  
36 as a Sinixt? He said, don't tell that white man.  
37 They always say I'm Colville. And then I'm really  
38 Sinixt. And so are you. I said okay.
- 39 Q So, in other words, he wasn't telling the truth  
40 when he self-identified as --
- 41 A Oh, he is very truthful. See, the white man gave  
42 us the name Colville. We didn't.
- 43 Q But Sxwuyelhpi is not a white name.
- 44 A We say said we were sqilxw. We are Indian from  
45 the Sinixt.
- 46 Q I have your point, but he didn't say he was  
47 Colville. He said he was Sxwuyelhpi. I may be

1 mispronouncing that, but that's not a white name.  
2 A Sounds like seeapi [phonetic], white man. I am a  
3 white man, he was telling you. Can you see that?  
4 No. He is a jokester. He is a trickster being  
5 funny. And that -- there's a big difference in  
6 lying and being a jokester.  
7 Q You had given some evidence with respect to your  
8 friend Cecilia; is that right?  
9 A Oh, yeah. Cecilia Smith.  
10 Q And she was the one who told you about a mountain  
11 that looked like a woman; is that correct?  
12 A Oh, yes.  
13 Q And so you said when she told you about this --  
14 this mountain that that was the first time you  
15 heard about that; is that right?  
16 A Yes.  
17 Q And how old would you have been when you heard  
18 that?  
19 A Well, I saw it when I was in teenage years, but I  
20 didn't have the full explanation from any mentor  
21 until I was about 22.  
22 Q And so, in other words, Cecilia was the one who  
23 told you that story, and you hadn't been told that  
24 before?  
25 A Right.  
26 Q Okay. And you had referred to there's a hole in  
27 the rock at Kettle Falls. And what was that  
28 called again?  
29 A Yeah, I didn't finish that. There was a hole in  
30 the wall for the boys to do their rite of passage  
31 of shooting, you know, a bow and arrow, and the  
32 arrow to go into that hole. And the whole story  
33 behind it is you are now an Arrow Lake. You are  
34 now Arrow Lake after that passage.  
35 Q I think we had that evidence. And I'm just  
36 curious, you said that was at Kettle Falls; is  
37 that right?  
38 A M'mm-hmm. M'mm-hmm.  
39 Q Sorry, you have to say "yes" or "no."  
40 A Oh, yes, it's right there at Kettle Falls. You  
41 can go see it.  
42 Q Okay. Thank you.  
43 A It's beautiful.  
44 Q So you had given some evidence with regard to  
45 dances, and I was just unclear about this. And  
46 you had talked about -- as I understood it, you  
47 were saying that you went up to Vernon and down to

Darlena Watt (for the accused)  
Cross-exam by Mr. Thompson

1 Oregon doing dances; is that correct?  
2 A Chinook dances.  
3 Q Chinook dances in that area; is that right?  
4 A Yeah. There were at least 26 different singers,  
5 and we all had ceremonies. And they are all  
6 called Chinook dances. And all the way up to  
7 Vernon, down to Oregon. And the singers that are  
8 in Inchelium, Keller, Nespelem and Omak, most of  
9 the singers that tried to make it to these  
10 26 dances, and then there was four on this side of  
11 the hill, so we would go to one in Nespelem and  
12 three in Inchelium.  
13 Q Right. And so the thing is when you went on these  
14 travels with these people, you were going to areas  
15 where other dancers were from; is that right?  
16 A M'mm-hmm.  
17 Q Sorry, you have to say "yes" or "no."  
18 A Yes. I am sorry, yes.  
19 Q Right. So you were going to areas where other  
20 dancers were from doing your dances in those  
21 areas; is that right?  
22 A Yes.  
23 Q So and all of you were working together on a  
24 dance, a Chinook dance, that was done in that  
25 geographic area? Sorry, yes or no?  
26 A Did you say short time?  
27 Q No.  
28 A No. Okay. Yes.  
29 Q So the answer -- just so I'm clear because it was  
30 a little muddled between us. I'm just saying that  
31 you were going to these areas that were a large  
32 geographic area; correct?  
33 A Yes.  
34 Q And there were other groups that were involved in  
35 the Chinook dances?  
36 A Yes.  
37 Q And those groups were from Oregon? Some of them?  
38 A Some.  
39 Q And there were some from up in the Vernon area; is  
40 that right?  
41 A All the way down, yeah. Keremeos.  
42 Q And all the way -- all the way through?  
43 A Keremeos, Vernon, Penticton.  
44 Q And then in through Washington State and along --  
45 A Yes.  
46 Q Would you have had, like, the Chelan and the  
47 Snohomish and groups on the coast? Would they be

Darlena Watt (for the accused)

Cross-exam by Mr. Thompson

- 1 part of that?
- 2 A No. They have their longhouses.
- 3 Q Into Oregon you would have had -- groups that are
- 4 resident or lived in Oregon, let's say, would be
- 5 part of that; is that right?
- 6 A Yeah, just a couple.
- 7 Q Okay. You were giving some evidence about your
- 8 grandfather by the name of -- and I didn't quite
- 9 get his name. Pete Noise?
- 10 A Yes, Pete Noise.
- 11 Q And he told you a particular story. And the --
- 12 who was Pete Noise?
- 13 A He was my grandfather. My mother's father.
- 14 Q Right. So he told you -- and that was a
- 15 particular story that he told you. And you
- 16 don't -- do you know where he got that story from?
- 17 A Well, how our stories work is it usually comes
- 18 from your grandparents. And there's the
- 19 designated storyteller in your extended family.
- 20 For example, in my family my sister Loretta is the
- 21 storyteller, so she would listen to everyone's
- 22 story, especially if those elders are talking,
- 23 then she -- her job is memory, and then she tells
- 24 the next generation, so they memorize it. Then it
- 25 just keeps alive. Keeps our culture alive that
- 26 way.
- 27 Q So you are not a designated storyteller, though?
- 28 A No, I'm a -- not designated. That's not the word.
- 29 I'm acknowledged through my tribe as maybe a
- 30 historian or a family historian rather than a
- 31 storyteller. My sister is actually the
- 32 storyteller.
- 33 Q You indicated that you -- in -- your evidence was
- 34 you went up to the Arrow Lakes at various times.
- 35 And you said you never had to get permission to go
- 36 up or down; is that right?
- 37 A Never did.
- 38 Q So in your lifetime you would cross the border
- 39 whenever you wanted to; is that right?
- 40 A That's right.
- 41 Q No one ever stopped you or prevented you from
- 42 doing it?
- 43 A No.
- 44 Q In terms of hunting, which you have been
- 45 discussing, I take it that hunting is done in
- 46 Washington State; correct?
- 47 A No. Here in Canada too.

Darlena Watt (for the accused)  
Cross-exam by Mr. Thompson  
Michael Marchand (for the accused)  
In chief by Mr. Underhill

1 Q No, no, but I'm just asking you, you do it in  
2 Washington as well; right? There's hunting in  
3 Washington?

4 A Both places, yes.

5 Q Right. And so people are hunting now in  
6 Washington, and you have a --

7 A Yes.

8 Q -- basis for doing it. So people get deer in  
9 Washington; is that right?

10 A M'mm-hmm. Yes.

11 Q And they get other game in Washington as well?

12 A Yes.

13 MR. THOMPSON: Those are my questions. Thank you.

14 THE WITNESS: Thank you.

15 THE COURT: Anything arising, Mr. Underhill?

16 MR. UNDERHILL: Nothing arising, Your Honour.

17 THE COURT: Ms. Watt, I'd like to thank you very much  
18 for coming and testifying. Appreciate that. And  
19 I'll excuse you from the witness stand. Thank  
20 you.

21 THE WITNESS: Thank you.

22

23 **(WITNESS EXCUSED)**

24

25 THE COURT: All right. Have you got another witness,  
26 Mr. Underhill?

27 MR. UNDERHILL: Yes, I do.

28 THE COURT: Okay.

29 MR. UNDERHILL: Yes. I now call Dr. Michael Marchand  
30 to the stand, please.

31

32

**MICHAEL MARCHAND, a  
witness called for the  
accused, sworn.**

33

34

35

36 THE CLERK: Please state your full name and spell your  
37 last name for the record.

38 THE WITNESS: Michael Edward Marchand. And it's my  
39 English name.

40

41 **EXAMINATION IN CHIEF BY MR. UNDERHILL:**

42

43 Q Dr. Marchand, I wonder if you could first  
44 introduce yourself traditionally to the court.

45 A Okay. My English name is Michael Edward Marchand.  
46 My Indian name is Qualth-a-men, Q-u-a-l-t-h-  
47 a-m-e-n. That's how I spell it. It's probably